

12 KAR 1:140. Permits, reports, and fees for persons using own tags.

RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071, 250.081, 250.091, 250.101, 250.111

STATUTORY AUTHORITY: KRS 250.081

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(1)(c)7 requires the director of the Agricultural Experiment Station to promulgate procedures for obtaining a permit to label, responsibilities of permit holders, method to be used in determining inspection fees, and the procedure for permit holders to make payment of fees for distributing agricultural seed. This administrative regulation fulfills that statutory mandate.

Section 1. Obtaining Permits. (1) Application for permits to label agricultural seed shall be made on Form RS-68-01 (6/13), Application for Permit for User to Provide Own Labels for Agricultural Seed and Mixtures of Agricultural Seed Sold in Kentucky.

(2) Application for permits to label vegetable seed, flower seed, or combination mulch, seed and fertilizer products shall be made on Form RS-68-02 (6/13), Application for Permit for User to Provide Own Labels for Vegetable Seed, Flower Seed, or Combination Mulch, Seed and Fertilizer Products Sold in Kentucky.

Section 2. Reporting Sales. (1) A person who has been granted a permit to label agricultural seed under Section 1 of this administrative regulation shall:

(a)1. Submit quarterly reports on Form RS-63-01 until January 1, 2017; or

2. Submit semi-annual reports on Form RS-63-02 beginning January 1, 2017; and

(b) Pay a labeling and inspection fee determined on the basis of quantity of seed sold and on the fee schedule established in Section 3 of this administrative regulation.

(2) Quarters shall be from January through March, April through June, July through September, and October through December. An added assessment of twenty-five (25) dollars or ten (10) percent of the unpaid fee, whichever is greater, shall be made for each seed quarterly report received more than forty-five (45) days after the quarter ends.

(3) Semi-annual shall be from January through June, and July through December. An added assessment of twenty-five (25) dollars or ten (10) percent of the unpaid fee, whichever is greater, shall be made for each seed semi-annual report received more than forty-five (45) days after the reporting period ends.

Section 3. Labeling and Inspection Fee. The labeling and inspection fee for agricultural seed permit holders shall be:

(1) For packages weighing one (1) pound and up to and including twenty-five (25) pounds: eight (8) cents per package;

(2) For packages or units of seed in excess of twenty-five (25) pounds in weight and up to and including 100 pounds: twelve (12) cents per package or unit.

(a) A unit of corn shall be 80,000 seeds.

(b) A unit of soybeans shall be 140,000 seeds; and

(3) For packages in excess of 100 pounds and seed distributed in bulk:

(a) Twenty-four (24) cents per 100 pounds; or

(b) Twelve (12) cents per unit.

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Permit for User to Provide Own Labels for Agricultural Seed and Mix-

tures of Agricultural Seed Sold in Kentucky", RS-68-01, 6/13;

(b) "Application for Permit for User to Provide Own Labels for Vegetable Seed, Flower Seed, or Combination Mulch, Seed, and Fertilizer Products Sold in Kentucky", RS-68-02, 6/13;

(c) "Seed Quarterly Report", RS-63-01, 8/13; and

(d) "Seed Semi-Annual Report", RS-63-02, 8/16.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m. (20 Ky.R. 3326; eff. 8-24-1994; 40 Ky.R. 100; 580; 770; eff. 10-9-2013; 43 Ky.R. 429; eff. 12-2-2016.)